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ABSTRACT

This annotated bibliography contains 11 documents that describe, analyze and recommend procedures for investigating and prosecuting rape cases. The documents are grouped according to intended audience; there are four volumes for police, three for prosecutors, and one for victims. Also listed are a book analyzing legal issues; a literature review and annotated bibliography of 152 readily available documents; and a final project report. These documents resulted from a research project involving data collected from police and prosecutors, rape programs, rape victims, offenders, and criminal justice professionals. Information is included for borrowing or purchasing the documents (in paper copies or microfiche) from the Government Printing Office. (Author/BP)

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FORCIBLE RAPE:

The Criminal Justice System Response

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National Institute of Law Enforcement and Criminal Justice
Law Enforcement Assistance Administration
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Rape is the most underreported crime in the United States. Victims fear the treatment they will receive from police and prosecutors.

Forcible rapes reported result in convictions in only a fraction of the cases. Suspects are apprehended in only 5 percent of all rape cases; less than 3 percent are convicted.

The average police officer is given little training in the special problems of rape investigation. The victim's initial interview with police is the most important source of evidence for prosecution.

Rape victims suffer serious psychological aftereffects. Has the criminal justice system been insensitive to the special problems of rape victims?

FORCIBLE RAPE:

The Criminal Justice System Response

The National Institute of Law Enforcement and Criminal Justice, responding to the calls for change in the criminal justice system's treatment of forcible rape cases, sponsored a 2-year study to propose innovative solutions to the problem. Particular attention was directed toward increasing offender apprehension and conviction rates and toward improving the treatment of victims.

This research project was conducted by the Battelle Memorial Institute* and involved collecting data from police and prosecutors, visiting jurisdictions with rape programs, and interviewing victims, offenders, and criminal justice professionals.

This major research effort resulted in 11 published documents that describe, analyze, and recommend procedures for investigating and prosecuting rape cases:

- 4 volumes for police
- 3 volumes for prosecutors
- a handbook of medical and legal information for victims
- an analysis of the legal issues
- a literature review and annotated bibliography
- a final project report

FOR POLICE:

A National Survey of the Response by Police (Police Volume I) A remarkable 89 percent of the agencies contacted responded to the survey. Questionnaires returned by 208 departments were analyzed by the size and type of agency. Information is presented about actual practices of these agencies, including their general policies and specific practices for classification of the crime, decisionmaking factors at each stage of the

*Battelle Memorial Institute and Justice Center under Grant No. 75-NI-99-0015 from the National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, United States Department of Justice.

process, case processing criteria, procedures in handling crime reports, victim services, investigative strategies, prosecutive outcomes, training methods, and innovative activities. The survey revealed that most rapes occur between the hours of 8 p.m. and 2 a.m., most rapists act alone, physical force is usually involved, and physical resistance almost always results in victim injury. (103 p.) GPO Stock No. 027-000-00450-4

A Manual for Patrol Officers (Police Volume II) Information obtained from the initial police contact is the most important source of evidence in a rape case. This operational and training manual is designed to aid police officers in interview techniques, evidence gathering, and suspect apprehension. Techniques are included for evaluating the reliability of the victim's statements, and methods for establishing rapport with the victim are discussed. The police officer must develop a thorough understanding of the victim's emotional response and must recognize that the victim's ability to cooperate fully with the criminal justice system may be impaired by a behavioral pattern known as the rape trauma syndrome. Three basic elements – sexual penetration, lack of victim consent, and identity of the perpetrator – are the focus of rape investigations. Officers are encouraged to view cases as the prosecutor does when developing evidence to prove that a rape has occurred. Close cooperation with deputy prosecutors and medical personnel is vital. (42 p.) GPO Stock No. 027-000-00619-1.

A Manual for Sex Crimes Investigators (Police Volume III) A step-by-step approach is taken in this operational and training manual that describes an overall investigative strategy for establishing each element of the crime of rape. The rape trauma syndrome is described and the police investigator is alerted to the need for a sympathetic and supportive manner. Successful techniques used by highly experienced police officers for gathering evidence, for proving sexual penetration and lack of consent, and for identifying perpetrators are presented. Prosecution procedures are described and sample victim interview and medical forms are appended. (54 p.) GPO Stock No. 027-000-00621-3.

Police Administrative and Policy Issues (Police Volume IV) Response models and investigative procedures are two major issues for police management. Personnel selection and training is another area of prime interest to police management. This document discusses departmental policies and suggests appropriate measures police management can take to respond to community pressures to adopt better strategies for handling forcible rape. Special training is considered essential to enable police officers to work successfully with rape victims. Police departments are

advised to develop a medical protocol with a medical facility and to work closely with medical facilities, victim service groups, and the prosecutor's office. A special unit to respond to rape crimes is recommended for all but the smallest jurisdictions. (45 p.) GPO Stock No. 027-000-00622-1.

FOR PROSECUTORS

A National Survey of the Response by Prosecutors (Prosecutors' Volume I) Completed questionnaires were returned by 150 prosecutor agencies – an impressive 75 percent rate of response. The data indicate that only a small fraction of cases charged as rape go to trial and that trial procedures differ substantially from state to state. Only 8 percent of the offices have guidelines for filing rape charges. Two or more degrees of forcible rape were available in 34 percent of the counties surveyed. Plea negotiations were reported in approximately one-half of all rape cases. The most important element in jury convictions was identified as the victim's credibility by 92 percent of the prosecutors; in 85 percent of the jurisdictions, prior chastity is admissible evidence. Changes or proposed changes in rape laws have been considered in a majority of the states within the last 5 years. Prosecutor respondents favored improved investigative techniques and better training for police; for themselves, they expressed the need for more training on rape-related issues, more special rape units within prosecutive agencies, and more female investigators. (78 p.) GPO Stock No. 027-000-00444-1.

A Manual for Filing and Trial Prosecutors (Prosecutors' Volume II) The filing and trial responsibilities of prosecutors as they specifically pertain to the crime of rape are detailed in this reference text. Designed to provide specific guidance to prosecutors involved with particular cases, this volume is also proposed as a training manual for prosecutors who have not had extensive experience with rape cases – the most difficult crime to prove. Because most prosecutors do not handle many rape cases, the facts and myths of rape are discussed, and the prosecutor's interview with the victim is described. The factors to consider in making the decision to file charges are examined. The manual points out that the decision to file incorporates significant attitudes and policies, and prosecutors are encouraged to assume an aggressive attitude toward filing charges in rape cases. The various stages in the process are described, including preliminary hearings, grand juries, and plea bargaining. A checklist is provided for trial preparation and the unique characteristics of rape cases are detailed. Victim medical forms and interview forms are appended. (66 p.) GPO Stock No. 027-000-00618-3

Prosecutor Administrative and Policy Issues (Prosecutors' Volume III) The prosecutor administrator can set the tone to encourage reporting of rape and increase convictions. Prosecution priorities, prosecutor specialization, treatment of victims, standards for filing, plea bargaining, and sentencing are suggested as avenues for expressing a commitment to change. Because a case is no better than the evidence collected, standardized reporting forms are recommended to make sure that all elements necessary for successful prosecution are provided. Close cooperation with police and hospitals can play an important part in improving the way rape cases are handled. By providing clear direction to their deputies, administrators can clarify the role of the prosecuting attorney in pretrial, trial, and sentencing procedures. (42 p.) GPO Stock No. 027-000-00620-5

FOR VICTIMS

Medical and Legal Information Is your jurisdiction like 93 percent of those surveyed that did not have a printed handout for rape victims? This booklet is designed to help the victim of rape understand the legal and medical procedures involved in the investigation and prosecution of the crime committed against her. Each contact the victim will have with the criminal justice system is explained. The victim's rights are stated, and a glossary of legal and medical terms used by police, prosecutor, and medical personnel is included. This booklet is an excellent handout for rape victims, and it can be readily adapted to include local information. (18 p.) GPO Stock No. 027-000-00537-3.

OTHER PUBLICATIONS

An Analysis of the Legal Issues Definition of rape, proof of rape, privacy, rape prevention, self-defense, standards for distinguishing criminal conduct, and special evidentiary issues are among the issues discussed in this text. A historical perspective of attitudes toward rape is also provided, and summaries of State legislation, model penal code, and statutes from Michigan, Minnesota, Washington, and Wisconsin are appended. A selected legal bibliography is included. GPO Stock No. 027-000-00627-2

A Literature Review and Annotated Bibliography One hundred and fifty-two readily available documents published between 1967 and 1977 are cited in the following categories: sociocultural and descriptive features, victimization, rape offenders, investigation of rape, legal issues and legislative reform, and rape in foreign countries and cultures. GPO Stock No. 027-000-00626-4.

Final Project Report This document summarizes and analyzes the data amassed during the 2-year project.
The following generalizations emerge:

- Rape victims are typically age 20 or younger
- Rapists are generally age 30 or younger
- Most attacks involve strangers or casual acquaintances
- Most attacks take place in victims' homes or on the street
- Severe force is used in 60 percent of rape attacks
- "Strong-arm" force is used in 75 percent of rape attacks
- Most physical injuries are minor, but psychological afterreffects may be severe and long-lasting.
- The average police officer is given little training in rape investigation.

The report includes policy recommendations for police and prosecutor administration and extensive tables. (80 p.) GPO Stock No. 027-000-00625-6

FORCIBLE RAPE—A series of 11 documents about the most underreported and rapidly increasing violent crime in the U.S.

Forcible Rape: A National Survey of the Response by Police (Police Vol. I) NCJ 35957. GPO Stock No. 027-000-00450-4. $1.80.

Forcible Rape: A Manual for Patrol Officers (Police Vol. II) NCJ 43522. GPO Stock No. 027-000-00619-1. $2.20.

Forcible Rape: A Manual for Sex Crime Investigators (Police Vol. III) NCJ 43523. GPO Stock No. 027-000-00621-3. $2.40.

Forcible Rape: Police Administrative and Policy Issues (Police Vol. IV) NCJ 43525. GPO Stock No. 027-000-00622-1. $1.60.

Forcible Rape: A National Survey of the Response by Prosecutors (Prosecutors' Vol. I) NCJ 35958. GPO Stock No. 027-000-00444-1. $1.50.

Forcible Rape: A Manual for Filing and Trial Prosecutors (Prosecutors' Vol. II) NCJ 43521. GPO Stock No. 027-000-00618-3. $2.40.

Forcible Rape: Prosecutor Administrative and Policy Issues (Prosecutors' Vol. III) NCJ 43526. GPO Stock No. 027-000-00620-5. $3.00.

Forcible Rape: Medical and Legal Information (for victims) NCJ 41736. GPO Stock No. 027-000-00537-3. $1.20.

Forcible Rape: An Analysis of Legal Issues. NCJ 43520. GPO Stock No. 027-000-00627-2. $3.00.

Forcible Rape: A Literature Review and Annotated Bibliography NCJ 44133. GPO Stock No. 027-000-00626-4. $2.75.

Forcible Rape: Final Project Report. NCJ 43524. GPO Stock No. 027-000-00625-6. $2.75.

1978

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